



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Ralph Elliott  
Criminal District Attorney  
Grayson County  
Sherman, Texas

Dear Sir:

Opinion No. O-3071  
Re: Construction of Article  
6644, Vernon's Revised  
Civil Statutes.

We have your request for an opinion upon the following question:

Is the County Clerk of Grayson County required to file and record for the United States of America any instruments in writing for the Denison Dam and Reservoir project, being a project of the Federal Government, until the payment or tender of payment of all legal fees for such filing or recording has been made by the United States of America or said project?

Article 6644, Vernon's Revised Civil Statutes, provides:

"The county clerk of each county is authorized to, and shall either file, or file and record, as is or may be provided by the laws of the United States, every notice, abstract or statement of any lien or claim, or release or discharge thereof in favor of the United States or of any department or bureau thereof, when any such notice, abstract or statement prepared in conformity to the laws of the United States, is presented to him for filing or filing and recording. The county clerk shall number such notices, abstracts or statements, in the order in which they are filed, and if they are required to be recorded, he shall record them in a well bound book to be styled, 'Federal Lien Record,' and in either case he shall index them alphabetically under the names of the persons named therein or affected thereby, such index to be kept in a well bound book styled, 'Index to Federal Liens,' and for the performance of these

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services he shall not charge a fee, but shall be compensated by the county, as provided for in Article 3931. His failure to file, record or index properly any such notice, abstract or statement as herein required, or to be compensated therefor, shall not affect the validity or legality of any such lien or claim, or release or discharge thereof."

This article requires the county clerk of each county to file, or file and record, without charging a fee for such services, any instruments of the character enumerated below in favor of the United States of America or any department or bureau thereof:

1. Notice of any lien or claim.
2. Abstract of any lien or claim.
3. Statement of any lien or claim.
4. Release of any lien or claim.
5. Discharge of any lien or claim.

If the instruments presented for filing, or for filing and recording, are of the character mentioned above, and are in favor of the United States or any department or bureau thereof, a county clerk is required by the provisions of such article to file, or file and record, such instruments without charging a fee therefor. On the other hand, if the instrument presented for filing, or for filing and recording, does not fall within the categories mentioned in Article 6644, there is no requirement that the clerk file, or file and record the same, without charging any fee for his services.

For your further information we enclose herewith copies of our Opinions Nos. 0-1393 and 0-1393-Supplement.

Yours very truly

APPROVED MAR 1, 1941

ATTORNEY GENERAL OF TEXAS

*Grasdale Mann*  
ATTORNEY GENERAL OF TEXAS

By

*Richard W. Fairchild*  
Richard W. Fairchild  
Assistant

APPROVED  
OPINION  
COMMITTEE

BY *RWB*  
CHAIRMAN

RWF:EP

ENCLOSURES